## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception seeking approval of a used motor vehicle outdoor sales facility, including an outdoor parking lot to accommodate 23 display vehicles. It must be noted that the matter previously came before the then Zoning Commissioner, Arnold Jablon, in February of 1986. At that time, Commissioner Jablon granted a special exception for this property as a used motor vehicle outdoor sales facility. However, his Order restricted the property to 13 display vehicles. The Petitioners now appear, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) seeking amendment of Commissioner Jablon's Order to permit 23 display vehicles on site.

The Petitioners/property owners, Hyles Melvin Arnew and Dorothy L. Arnew, appeared, testified and were represented by F. Vernon Boozer, Esquire. There were no Protestants present.

FOR FILIT

ORDER RECEIVED F

Mr. Arnew testified that he has operated his used auto sales business on this site since obtaining the special exception. He described the nature of the business which is to sell all makes and models of used vehicles. He indicated that his business finances many of the vehicles which are sold. He noted that he has received letters of support and congratulations from the Dundalk Chamber of Commerce for replacing what had been an eyesore within this community with a thriving business.

He also noted that with the increase of the foreign car market, he keeps a varied inventory of makes and models of vehicles. He opined that the existing Order, permitting 13 display spaces, provided him with insufficient space to show his varied inventory. Thus, he proposes to expand the number of display spaces to 23, as shown on Petitioners' Exhibit No. 1, the site plan to accompany the Petition. Mr. Arnew noted that he had previously submitted and had approved a landscape plan when the original special exception was granted and that the proposed changes would not disturb that landscaping. He also addressed the requirements as set forth within Section 502.1 of the B.C.Z.R., and opined that the proposed change would not adversely affect the surrounding locale in any manner.

It is clear that the B.C.Z.R. permits the use proposed in a B.R. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioners.

The Petitioners have the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioners' Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 291 Md. 1, 432 A2d 1319 (1981).

The proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

It should also be noted that the Office of Planning and Zoning has recommended that a landscape plan be filed in this case. However, as noted above, a plan was previously submitted and approved at the time the original special exception was granted. In view of Mr. Arnew's testimony that the existing landscaping will not be disturbed, I find it unnecessary for the Petitioners to resubmit a landscape plan.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore Counday of March, 1992 that the Petition for Special Exception seeking approval of a used motor vehicle outdoor sales facility to accommodate 23 display vehicles, in lieu of 13 display spaces, be and is hereby GRANTED, subject, however, to the following restriction which are

> 1. The Petitioners are hereby made aware that reason, this Order is reversed, the Petitioners

> > Zoning Commissioner for Baltimore County

LES:mmn

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a used motor vehicle outdoor sales facility accomodating 23 display vehicles instead of 13 display vehicles (a special exception allowing a display of 13 vehicles was previously granted, case # special exception 86-301X),

separated from a sales agency building under section 236.4 of the B.C.Z.R. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser: (Type or Print Name) (Type or Print Name) Tyles Molow (proce)

Dorothy L. Arnew (Type or Print Name) City and State Attorney for Petitioner. 285-8890 7912 Lowtide Court

City and State tract purchaser or representative to be contacted Address

City and State 614 Bosley Ave. Towson, MD. 828-9441 Attorney's Telephone No.: 828-9441

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_ o'clock

Zoning Commissioner of Baltimore County.

97-280-X CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

127/	Date of Posting 2/16/92
District 17-47	Date of Posting
Posted for: 5200(11) FXC+20/10	Date of Posting 7/16/92  Arnow  Arnow  Arnother College District Arnother Arnother College District Arnother College Distr
5/5 /90771	1140. SE/C 20/1343/11.182-1171111
at Eiles Ara -	1/5 //sni// ]773/
fragor ly of Politioner	PI Pd. of prox 10 1-1. You dway or
Remarks:	Date of setum. 2/21/92

Case Number: 92-288-A NEC Dwyer Avenue and Church Lane 112 Church Lane 3rd Election District 2rd Councilmanic Putitioner(s): Bedford House, inc. Hearing Date: Monday, March 16, 1992 at 2:00 p.m. Verience: to allow side yerd selbacks of 10 feet and 13 feet and a lot width of 60 feet for a 3-apartment dwelling in lieu of the minimum required 15 ft. and 80 ft. CERTIFICATE OF PUBLICATION

published in THE JEFFERSONIAN, a weekly newspaper published

THE JEFFERSONIAN,

conditions precedent to the relief granted herein:

proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever would be required to return, and be responsible for returning, said property to its original condition.

-3-

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was

THE JEFFERSONIAN.

Publisher

published in THE JEFFERSONIAN, a weekly newspaper published

CERTIFICATE OF PUBLICATION OFFICE OF

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

March 5, 1992

Enclosed please find the decision rendered in the above captioned

be advised that any party may file an appeal within thirty (30) days of the

In the event the decision rendered is unfavorable to any party, please

Very truly yours.

Lawrence E. Schmidt

Zoning Commissioner

case. The Petition for Zoning Variance has been granted, in accordance

additional information concerning filing an appeal, please feel free to

date of the Order to the County Board of Appeals. If you require

Beltimore County Government Office of Zoning Administration & Development Management Office of Planning & Zoning 111 West Changeste Avenue Townen, MD 21204 (410) 087-3363 **NOTICE OF MEARING** 

MOTICE OF NEARING
The Zening Commissioner of Baltiners County, by authority of the Zening Act and Regulations of Baltimere
County will held a public hearing on
the preparty identified levels in Recen116, Selfinere County Courthouse,
400 Westington Avenue, Tourson,
Maryland 21201 as follows:
CASE SUMMER: 82-200-X
SIG Streets Avenue, SEC Selfors
Point Read and Streets
Bendrood and SEC of Selfors
Point Read and Street
2116 Streets Sentence
2116 Streets Sentence

Suite 113 Courthouse

Towson, MD 21204

400 Washington Avenue

F. Vernon Boozer, Esquire

RE: Case No. 92-280-X

Hyles M. Arnew, et ux

contact our Appeals Clerk at 887-3391.

cc: Mr. and Mrs. Hyles M Arnew

Petition for Special Exception

Towson, Maryland 21204

with the attached Order.

614 Bosley Avenue

Dear Mr. Boozer:

LES:mmn

Point Reed and Eller Arrans
2115 Elected Beninsed
12th Elected Birtist
7th Councilments Birtist
Poddenock Byte Elected
Poddenock Byte Elected
Access
HEARMS: WESHESBAY,
Bloods A, 1602 at 2:30 p.m.
Special Exception for a used
motor vehicle action spice facility
accommodating 23 display vehicles instend of 13 display vehicles in special
exception of 13 vehicles uses procise
by granted from a seden agreety
building.

Dundalk Eagle 4 N. Center Place P. O. Box 8936 February 13, 1092 Dundalk, Md. 21222

(410) 887-4386

THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County Zoning Office - Notice of Hearing -Case #92-280-X - P.O. #0116881 - Req. #M57348 -70 lines @ \$35.00 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week

successive weeks before the **19** 92 ; that is to say, the same was inserted in the issues of February 13, 1992.

Kimbel Publication, Inc.



Baltimore County Zoning Commisioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

Account: R-001-6150

Please Make Checks Psymble: Te: Saltireore County \$104.73 8A CO 10:1039803-04-92

(Type, or Print Name)

Pasadena, Maryland 21122

THIS IS TO CERTIFY, that the annexed advertisement was

5. Zete Orlan

Case Number: 92-280-X S/S Merritt Avenue, SEC Sollers Point Road and Merritt Boulevard and NEC of Sollers Point Road and Ellers Avenue 2115 Merritt Boulevard 12th Election District 7th Councilmanic Petitioner(s): Hyles Meivin Americ and Dorothy L. Americ Hearing Date: Wednesday, Merch 4, 1992 at 2:30 a.m. Special Exception: for a used motor vehicle outdoor selectably accommodating 23 display vehicles instead of 13 disely vehicles (a special except f 13 vehicles was previo

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by suthority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Cheespeeke Avenue in Towson, Maryland 21204 on Infilman.

111 West Chesapeake Avenue Towson, MD 21204 (410) 887-3353

DATE: 2 · 28 · 92

Hyles and Dorothy Arnew 7912 Lowtide Court Pasadena, Maryland 21122

RE:
CASE NUMBER: 92-280-X
S/S Merritt Avenue, SEC Soilers Point Road and Merritt Boulevard and
NEC of Soilers Point Road and Ellers Avenue
2115 Merritt Boulevard
12th Election District - 7th Counilmanic
Petitioner(s): Hyles Melvin Arnew and Dorothy L. Arnew

Dear Petitioner(s):

Please be advised that \$ 104.73 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Bell Jabla

ARNOLD JAB DIRECTOR

cc: F. Vermon Boozer, Esq.

111 West Chesapeake Avenue Towson, MD 21204 (410) 887-3353

JAMUARY 28, 1997

NOTICE OF HEARING

Baltimore County Governme

Office of Zoning Administrational Development Management

Office of Planning & Zoning

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-280-X

S/S Merritt Avenue, SEC Sollers Point Road and Merritt Boulevard and

NEC of Sollers Point Road and Ellers Avenue

2115 Merritt Boulevard

12th Election District - 7th Counilmanic

Petitioner(s): Hyles Melvin Arnew and Dorothy L. Arnew

HEARING: WEDNESDAY, MARCH 4, 1992 at 2:30 p.m.

Special Exception for a used motor vehicle outdoor sales facility accommodationg 23 dispay vehicles instead of 13 dispaly vehicles (a special exception of 13 vehicles was previously granted in case #86-301-X), separated from a sales agency building.

Lawrence E. Schmidt

Zoning Commissioner of Baltimore County

cc: Hyles Melvin Arnew, et ux F. Vermon Boozer, Esq.

42-280-4 3-4-92

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 25, 1992

TO: Arnold Jablon, Director Zoning Administration and

Development Management

OM: Gary L. Kerns, Chief

Comprehensive and Community Planning
Office of Planning and Zoning

SUBJECT: Hyles Melvin Arnew, Item No. 295

Should the applicant's request be granted, staff recommends that a landscape plan be filed with the deputy director of the Office of Planning and Zoning. Subsequent to plan approval, a copy shall be forwarded to the Zoning Office to be maintained in the Zoning Office to be made part of the official file.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

Report prepared by:

GLK/JL:rdn ITEM295/TXTROZ 92-280-× 3-4

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: February 18, 1992

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

PROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: January 28, 1992

This office has no comments for item numbers 285, 290, 291, 292. 294, 295 and 296.

Rahee J. Famili
Traffic Engineer II

RJF/lvd

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

(301) 887-4500

February 5, 1992

F. Vernon Boozer, Esquire 614 Bosley Avenue Towson, MD 21204

> RE: Item No. 295, Case No. 92-280-X Petitioner: Hyles M. Arnew, et ux Petition for Special Exception

Dear Mr. Boozer:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Baltimore County Governme Fire Department

RE: Property Owner: HYLES MELVIN ARNEW AND DOROTHY L. ARNEW

#2115 MERRITT BOULEVARD

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be

Noted and

corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: 7 Approved ... Approved ...

Special Inspection Division

JANUARY 30, 1992

Zoning Agenda: JANUARY 28, 1992

Fire Prevention Bureau

700 East Joppa Road Suite 901 Towson, MD 21204-5500

Zoning Administration and

Item No.: 295

Baltimore County Office Building

Development Management

Towson, MD 21204

Location:

Gentlemen:

Arnoló Jablon Director Zoning Plans Advisory Committe Coments Date: February 5, 1992

are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

Attorneys and/or engineers who make appointments to file petitions on a fregular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

W. Carl Richards
Coordinator

WCR:jw

Enclosures

cc: Mr. & Mrs. Hyles Melvin Arnew 7912 Lowtide Court Pasadena, MD 21122

> BALTIMORE COUNTY ECONOMIC DEVELOPMENT COMMISSION

> > Memorandum

Julie Winiarski Office of Zoning Administration and Development Management

FROM: A. J. Haley, Deputy Director

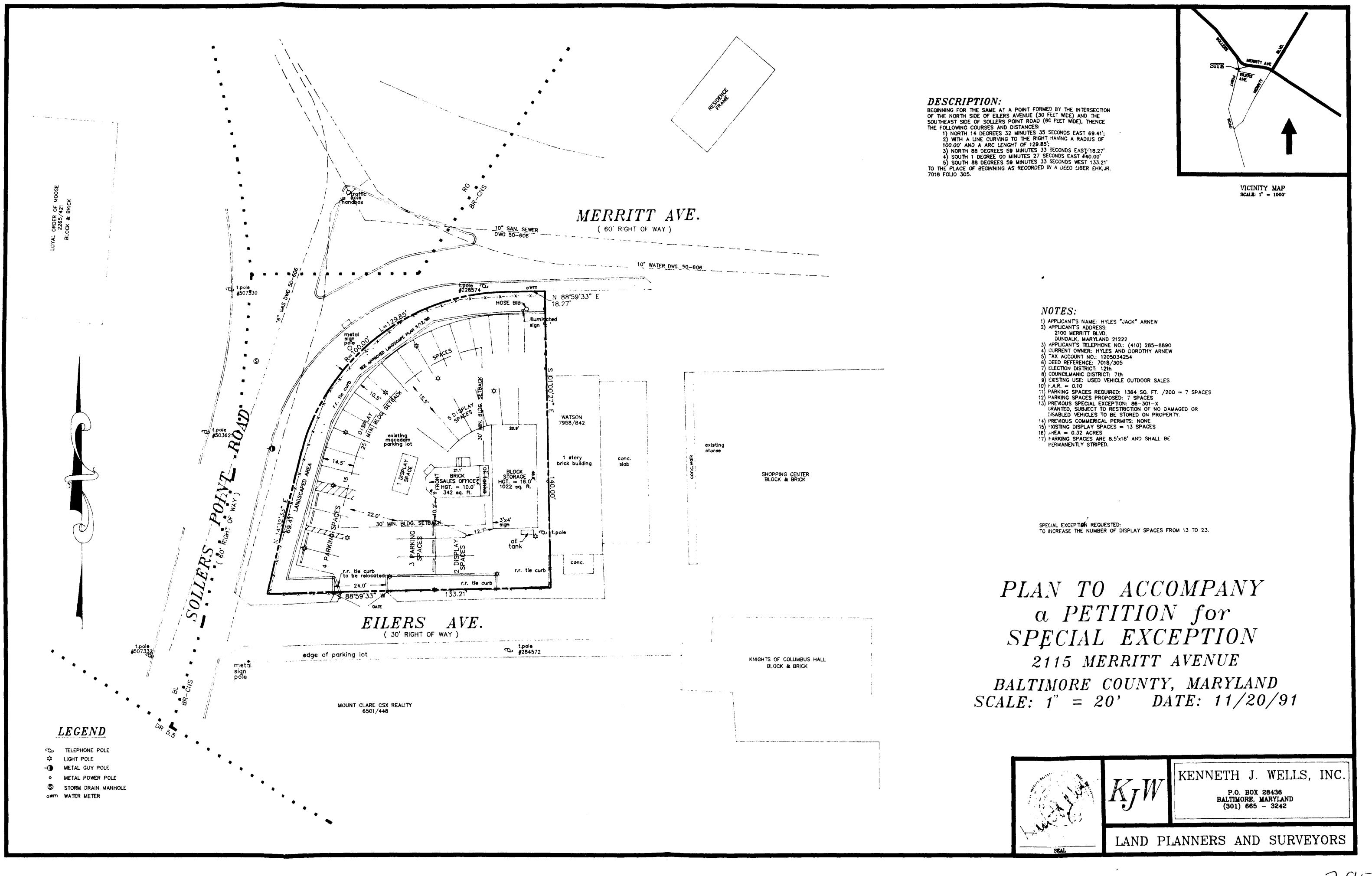
Economic Development Commission

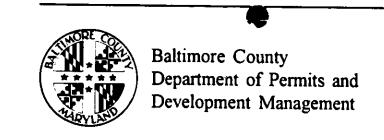
January 29, 1992

Zoning Advisory Comments for Meeting of January 28, 1992

This office has no comment for items 285, 286, 289, 290, 291, 292, 293, 294, 295, 296 and 297.

JAN 30 1992
ONING OFFICE





Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

August 6, 1997

Ms. Debra Golden Golden Image, LLC 7001 Mornington Road Dundalk, MD 21222

> RE: Zoning Verification 2115 Merritt Boulevard 12th Election District

Dear Ms. Golden:

This office in in receipt of your second letter dated July 29, 1997. Per councilman Louis L. DePazzo's July 23, 1997 letter to Arnold Jablon, Director of Permits and Development Management, your revised request is for a proposed bathroom addition only as opposed to your original (6/18/97 letter) request. The proposed bathroom addition and parking lot as shown would be approved as being within the spirit and intent of prior zoning hearing case number 92-280-X (which amended prior zoning hearing case number 86-301-X).

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

John J. Sullivan, Jr.
Planner II
Zoning Review

JJS:rye

c: Honorable Louis L. DePazzo zoning cases 92-280-X & 86-301-X

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 13, 1992 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for January 28, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 285, 289, 290, 291, 293, 294, 295 and 296.

For Items 286 and 292 County Review Group Meetings will be required.

For Item 297, the previous County Review Group Comments still remain valid.

ROBERT W. BOWLING, F.E., Chief Developers Engineering Division

RWB:s

72-282-X

Printed with Soybean Ink on Recycled Paper